

**UNITED STATES OF AMERICA**  
**Before The**  
**OFFICE OF THRIFT SUPERVISION**

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In the Matter of )

**BRADLEY J. LYON,** )

President and Chief Financial Officer of )

**San Luis Trust Bank, FSB,** )  
**San Luis Obispo, California.** )  
(OTS No. 15051) )  
\_\_\_\_\_ )

Order No.: SF-01-014

Date: December 10, 2001

**STIPULATION AND CONSENT TO THE ISSUANCE OF AN**  
**ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES**

**WHEREAS**, the Office of Thrift Supervision (OTS), based upon information derived from the exercise of its regulatory responsibilities, has informed Bradley J. Lyon (LYON), President and Chief Financial Officer of San Luis Trust Bank, FSB, San Luis Obispo, California (SLTB), OTS No. 15051, that grounds exist to initiate an administrative civil money penalty assessment proceeding against him pursuant to 12 U.S.C. § 1818(i);<sup>1</sup> and

**WHEREAS**, Lyon desires to cooperate with the OTS and to avoid the time and expense of such administrative proceeding and, without admitting or denying that such grounds exist, or the Findings of Fact or opinions and conclusions of the OTS, except as to Jurisdiction, paragraph 1, below, which is admitted, hereby stipulates and agrees to the following:

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<sup>1</sup> All references to the United States Code (U.S.C.) are as amended, unless otherwise indicated.

1. Jurisdiction. (a) SLTB is a "savings association" within the meaning of 12 U.S.C. § 1813(b) and 12 U.S.C. § 1462(4). Accordingly, it is an "insured depository institution" as that term is defined in 12 U.S.C. § 1813(c);

(a) LYON is an Officer of SLTB and is an "institution-affiliated party" as that term is defined in 12 U.S.C. § 1813(u); and

(b) Pursuant to 12 U.S.C. § 1813(q), the Director of the OTS is the "appropriate Federal Banking agency" to maintain an administrative civil money penalty assessment proceeding against such a savings association or its institution-affiliated parties. Therefore, LYON is subject to the jurisdiction of the OTS to initiate and maintain a civil money penalty assessment proceeding against him pursuant to 12 U.S.C. § 1818(i). The Director of the OTS has delegated to the Regional Director of the West Region of the OTS or his designee (Regional Director) the authority to issue orders of assessment of civil money penalties where the individual has consented to the issuance of the order.

2. OTS Findings of Fact. The OTS finds that LYON caused SLTB to violate 12 C.F.R. §§ 562.1, 562.2, and 563.170(c) when he submitted inaccurate financial information in SLTB's September 30, 2000 Thrift Financial Report (TFR) to the OTS. Further, such submission of inaccurate information in the September 30, 2000 TFR contravened the regulatory requirement to submit accurate information to the OTS set forth at 12 C.F.R. § 563.180(b).

3. Consent. LYON consents to the issuance by the OTS of the accompanying Consent Order of Assessment of Civil Money Penalties (Order). LYON further agrees to comply with the terms of the Order upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality. The Order is issued under 12 U.S.C. § 1818(i). Upon its issuance by the OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of 12 U.S.C. § 1818(i).

5. Waivers. LYON waives the following:

(a) the right to be served with a written notice of assessment of civil money penalties against him as provided by 12 U.S.C. § 1818(i);

(b) the right to an administrative hearing of the OTS's charges against him as provided by 12 U.S.C. § 1818(i);

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order; and

(d) any and all claims against the OTS, including its employees and agents, and any other governmental entity for the award of fees, costs or expenses related to this OTS enforcement matter and/or the Order, whether arising under common law, the Equal Access to Justice Act, 5 U.S.C. § 504 or 28 U.S.C. § 2412; and

(e) the right to assert this proceeding, his consent to issuance of the Order, the issuance of the Order, the payment of any monies or the provision of any other financial relief as contemplated by the Order as the basis for a claim of double jeopardy in any pending or future proceeding brought by the United States Department of Justice or any other governmental entity.

6. Miscellaneous. (a) The construction and validity of this Stipulation and the Order shall be governed by the laws of the United States of America;

(a) All references to the OTS in this Stipulation and the Order shall also mean any of the OTS' predecessors, successors, and assigns;

(b) The section and paragraph headings in this Stipulation and the Order are for convenience only, and such headings shall not affect the interpretation of this Stipulation or the Order;

(c) The terms of this Stipulation and the Order represent the final written agreement of the parties with respect to the subject matters hereof, and constitute the sole agreement of the parties with respect to such subject matters; and

(d) This Stipulation and the Order shall remain in effect until terminated, modified, or suspended in writing by the OTS, acting through its Director, Regional Director, or other authorized representative.


**WHEREFORE**, Bradley J. Lyon, executes this Stipulation and Consent to the Issuance of an Order of Assessment of Civil Money Penalties, intending to be legally bound hereby.

Accepted by:

OFFICE OF THRIFT SUPERVISION

By:

  
BRADLEY J. LYON

  
Charles A. Deardorff  
Regional Director  
West Region

Dated:

12/5/01

Dated:

12/10/01

(lyon cmp stip c:sltb)

Bradley J. Lyon  
San Luis Trust Bank, FSB  
CMP Stipulation and Consent

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**BRADLEY J. LYON,** )  
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President and Chief Financial Officer of )  
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**SAN LUIS TRUST BANK, FSB,** )  
**San Luis Obispo, California.** )  
(OTS No. 15051) )  
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Order No.: SF-01-014

Date: December 10, 2001

**CONSENT ORDER OF**  
**ASSESSMENT OF CIVIL MONEY PENALTIES**

**WHEREAS,** Bradley J. Lyon (LYON) has executed a Stipulation and Consent to the Issuance of an Order of Assessment of Civil Money Penalties (Stipulation) on December 5, 2001; and

**WHEREAS,** LYON, by his execution of the Stipulation, has consented and agreed to the issuance of this Consent Order of Assessment of Civil Money Penalties (Order) by the Office of Thrift Supervision (OTS), pursuant to 12 U.S.C. § 1818(i).<sup>1</sup>

**NOW THEREFORE, IT IS ORDERED that:**

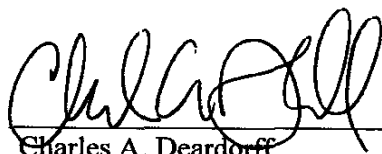
1. Within ten (10) calendar days of the date of this Order, LYON shall pay to the Office of Thrift Supervision the sum of \$1,000.00, by tendering a certified check or bank draft made payable to the order of the Treasurer of the United States. The check or bank draft and a

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<sup>1</sup> All references to the United States Code (U.S.C.) are as amended, unless otherwise indicated.

copy of the Order shall be delivered, together with a cover letter stating the name of the association, to the following address: Controller's Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C., 20552. A copy of the check or bank draft and the cover letter shall be provided by U.S. Mail to James A. Hendriksen, Regional Enforcement Counsel, Office of Thrift Supervision, P.O. Box 7165, San Francisco, CA, 94120.

2. The Stipulation is made a part hereof and is incorporated herein by this reference.
3. This Order is and shall become effective on the date it is issued, as shown in the caption hereof. The Stipulation and the Order shall remain in effect until terminated, modified or suspended in writing by the OTS, acting through its Director, Regional Director, or other authorized representative.

OFFICE OF THRIFT SUPERVISION

By:   
Charles A. Deardorff  
Regional Director  
West Region

(lyon cmp ord c:sltb)

Bradley J. Lyon  
San Luis Trust Bank, FSB  
Consent Order for CMPs